

THE DAILY HERALD.

Salt Lake City, Utah.

TUESDAY, OCTOBER 4, 1887

SALT LAKE ORE MARKET.

urnished daily by McCormick & Co., Bankers

SALT LAKE CITY, October 3, 1887.

In New York, 96 per cent

In Salt Lake, 44 7-16 per cent

In London, 44 7-16 per cent

In New York, \$4.35 per 100 lb

In Salt Lake, \$2.00 per 100 lb

Notice to Subscribers and Advertisers.

During Conference THE DAILY HERALD

will consist of ten pages.

On Saturday, September 24, and until after

the conference, the Semi-weekly HERALD will

be temporarily enlarged.

In the usual number of each edition of

THE HERALD will be published during

Conference.

Every subscriber of THE HERALD visiting

this city during Conference is invited to

call each day at our office and receive a

complimentary copy of the paper.

Those desiring advertising space for

these editions should make their wants

known at once.

LOCAL BRIEFS.

WELLS, FARGO & Co.'s shipments yesterday

were: Ore, valued at \$7,350.

G. S. BRECKENRIDGE was yesterday com-

missioned Constable for South Jordan

precinct.

T. E. JONES & Co. received yesterday:

Queen of the Hills ore, valued at

\$1,241.28.

THREE were 240 passengers from

Cachoe Valley over the Utah & North-

ern Monday.

THE case of Thomas Butler, charged

with malicious mischief, was continued

until this morning.

WELLS, FARGO & Co.'s bullion ship-

ments from Silver Reef for the month

of September aggregate \$20,830.

McCORMICK & Co. yesterday received:

Hannover Bullion, \$2,320; Crescent ore,

4,580; silver and lead ores, \$2,300. Total,

\$9,200.

WILL NEEDHAM, of Z. C. M. I., cel-

ebrated his birthday on Sunday, and on

that day his wife presented him with a

fine girl.

TWO BEAUTIFUL oil paintings now

adorn the walls of the Chamber of Com-

merce. They were presented by Mr.

Kessler, with D. M. Osborne & Co.

A MAN named S. Smith was brought

in on last night's Utah Central train.

He is from Green River, where he

had his leg crushed by falling from a

train.

DR. J. W. CULBERTSON made three

successful operations for strabismus

(cross eyes) yesterday. The Doctor's

rooms at the Continental are crowded

with the afflicted.

A MASS meeting of the inhabitants of

the "dry benches" will be held in the

Twentieth Ward schoolhouse, Oct. 5,

at 7:30 o'clock sharp. Ladies re-

spectfully invited. FREDERICK OULMER,

Chairman.

THE FREIGHT BUREAU will hold a

meeting at the Chamber of Commerce

at 7 o'clock sharp to-night. A full

attendance of all the members is re-

quested, as matters of importance will

be considered.

THE NATIONALS, with Busby, Hodge

and Lloyd, in their old positions, will

play a series of games with the Heber

City nine on Thursday, Friday and

Saturday of this week. The Heber City

boys claim to be able to down any nine

in the Territory.

MR. C. HOYT's special car, contain-

ing his father and wife, came in last

night with the regular Utah Central

down passenger. Mr. Hoyt himself

did not come, having stopped off on

the way. He is a U. P. director and

bails from New York.

MR. E. G. RAYBOLD, who has been

with the Walker Bros. for the past

twenty-two years, has severed his con-

nection with them. He held several

responsible positions. It has not yet

been learned what Mr. Raybold's

future business venture will be.

THE FURNACE OFFICES over the re-

mains of the late Charles McCarthy,

who died in Coalville on Friday, Sep-

tember 29th, were conducted at the

THE DAY IN COURT.

A Big Day's Business Before Judge Zane.

RODNEY BADGER CONVICTED.

Thomas C. Briggs and James Lawson

Acquitted—The Cases Ignored by

the Grand Jury.

The trial of Rodney C. Badger,

charged with unlawful cohabitation,

was begun in the Third District Court

yesterday morning. A jury was called,

and T. E. Harper and W. S. Clays were

challenged by the defense and excused.

Their places being filled, the jury was

accepted by both sides and sworn.

MRS. LOUISE ASHBY BADGER

was the first witness called. At the

request of Mr. Rawlins, the Court in-

structed her that she would not be re-

quired to answer any questions that

might criminate herself.

The witness then testified that her

name was Louise Badger; her maiden

name was Noble, but her stepfather's

name was Ashby, and she took his

name; was married to Rodney C. Bad-

ger in the Endowment House in Salt

Lake City in 1875, had six children, the

youngest being 5 months and the

oldest 8 years old; defendant had a

wife living when he married her; her

name was Harriet Ann Badger; she

lived in Salt Lake City; supposed that

the defendant lived with her. Witness

lived in this city with her children;

during the past two years defendant

had not visited her at her house, had

not seen him at Harriet's house during

the past two years; had occupied the

same bed with defendant during the

past year and a half at Holden, Millard

County; was living there during 1886;

went there to keep her husband out of

the Penitentiary; left this city in April,

1885, and remained away until May,

1887; on returning to the city was met

by defendant at the depot; found a

house furnished and supposed defendant

furnished it; was still recognized by

him as his wife.

Mr. Rawlins objected to the introduc-

tion of testimony upon what had trans-

pired subsequent to the dates named in

the indictment and he also objected to

testimony showing cohabitation out of

this district.

Mr. Clark replied that if it could be

shown that the defendant held a plural

wife out as his wife, by acknowledging

her as such, and sent her money, though

they might not reside in the same dis-

trict, he could commit the offense of

unlawful cohabitation.

The court held that if a man co-

habited with more than one wife, he

though they were not in the same dis-

trict, he could be prosecuted in either.

The witness continued that defendant

visited her three or four times while she

lived at Holden, and wrote to her per-

haps once a week, and sent money for

her support; the letters were destroyed;

last saw defendant at Harriet's house

on the occasion of the funeral of his

child; had not seen him there for a

long time prior to that.

The witness was overcome with emotion

at this point, and was excused.

This was all the testimony offered.

The court instructed the jury to

the effect that if they found from

the evidence that the defendant had

associated with both wives, as such,

between the dates named in the in-

dictment, they should find him guilty, al-

though he lived with but one wife in the

district where the trial was held.

The defense excepted to the court's

refusal to give the following instruction

to the jury:

"If the jury find from the evidence

that, during the time named in the in-

dictment, the defendant had a lawful

wife, Harriet A. Badger, with whom he

lived in this judicial district, and that

the only association of cohabitation with

the Louise Ashby named in the in-

dictment took place out of this district,

and in the Second Judicial District of this

Territory, then the jury should acquit

seen her and defendant together for two years prior to her disappearance; never saw her at defendant's store; never saw Mary Ann clerk at the store; did not talk with defendant during the past week; remembered the time her sister's child was born; called there soon after; did not see defendant there.

GEORGE W. PRICE

was then called. He testified that Mary Ann Price was his daughter; had not seen her for six or seven months; did not remember the occasion of her leaving; did not ask her where she was going or where she had been; she came and went as suited her; did not know whether she was dead or alive; did not care; had made no inquiries about her; she had disappeared at the same time; she and her husband stayed at defendant's house for three or four days before leaving; had visited her at her house in the Fifteenth Ward five years ago; she held a deed to her property; supposed defendant gave it to her; did not collect rent for her in her absence; she had her own agent; did not know who he was; supposed the defendant was her husband, but did not know; they last visited him five years ago; did not know where she lived after that; never inquired; she was able to take care of herself; he had not contributed to her support during the last four years; she clerked at the Fifteenth ward store seven years ago, but had not been there since her boy was born. Court took a recess until 2 p.m.

IN THE AFTERNOON.

Mr. Price was again called to the stand. He testified that Mary Ann was not at his house two days before he was subpoenaed to appear before the commissioner; defendant had been at his house several times since the left, but he had not been there since the child was returned; had not seen Mary Ann at meeting since 1885; his wife was at home last night and this morning; did not know where she could be found; she did not say where she was going while she left; defendant had not been at his house this morning; had not seen Mary Ann and defendant together since January 1st, 1885.

DEPUTY MARSHAL SPRAGUE

was called, and testified that when he was serving the papers in the case, he saw a lady in the Fifteenth Ward store; he went into the house, and when he returned the lady had disappeared.

This testimony was objected to by Mr.

Rawlins, and was stricken out.

This closed the evidence, and Mr.

Rawlins requested the Court to instruct

the jury to acquit the defendant. This

was opposed by Mr. Clark, who con-

ducted the prosecution.

The court said that the defendant

was charged with unlawful cohabitation

between the dates named in the in-

dictment. It appeared from the evidence

that Janet Griggs was his lawful wife,

and that Mary Ann Price was his poly-

gamous wife, and that her youngest

child was 5 years old. And while the

evidence raised the suspicion that de-

fendant had advised Mary Ann to go

away, this alone could not authorize a

conviction. There was no evidence that

the defendant and Mary Ann Price

had associated together during the

past five years, and if the jury

should find the defendant guilty it

would be the duty of the court to set

the verdict aside. The jury was in-

structed to find a verdict of not guilty,

which they did without leaving the box.

The case of

THE UNITED STATES VS. JAMES LAWSON,

charged with unlawful cohabitation,

was then taken up, and a jury was

called and sworn.

MRS. LAWSON was the first witness

called. She testified that she was mar-

ried to defendant over twenty-four

years ago; at that time he had a wife

living; her name was Betsy, she

was still living; witness had six

children living, all by the defendant;

did not know whether Betsy had any

children or not; was not acquainted

with her, but knew her by sight; had

lived in the sixteenth Ward since mar-

rying defendant; he lived in the same

house with her, but occupied separate

apartments; thought Betsy had lived

next door to her for ten years; there

were two young men living with her,

their names were James and William;

did not know their last names; never

exchanged visits or spoke to any of

them; there was no fence between the

two houses; had no acquaintances out-

side of their own family; had been

an invalid for ten years; had no rela-

tions in this city outside of her

immediate family; defendant never

referred to the family living next door;

had never inquired of him as to who

they were; supposed that both places

belonged to defendant; had never seen

him collect rent from her neighbor;

knew he had a wife when she married

him, but did not know her name; was

living with a family named World, in

the Sixteenth Ward, when she first met

him; never said before the Grand Jury

that Betsy was defendant's wife; had never heard defendant say anything about his first wife; had heard him say that he had been divorced from a woman, but did not understand him to refer to Betsy; did not often go to church; never saw Betsy there; never exchanged a word with her.

MISS CRISLER LAWSON

was then called. She testified that she was 18 years old; her father's name was James Lawson; lived in the Sixteenth Ward; had five sisters and one brother; Hattie was the name of her oldest sister; had attended the ward school and the University; never knew two boys named James and William Lawson while at school; did not know whether the house next door to her house was occupied or not; had seen two boys around there; had heard them called James and William; did not know their last names; never heard them called Lawson; never heard her father speak of them; had seen a woman around there; did not know her name; never saw her father speak to the women; supposed her father owned the house; never was inside of it; the woman who lived there was not referred to as her father's wife; knew the neighbors living across the street, but did not know who lived next door to her; never saw the woman who lived next door to them at meeting.

MAUDE LAWSON

was the next witness. She testified that she was 15 years old and lived with the mother; knew nothing about the person living next door; did not know a Betsy Lawson.

BLANCH LAWSON

was then called. Her testimony did not differ from that of the two preceding witnesses.

RACHEL NIXON

was the next witness. She testified that she lived in the Sixteenth Ward near Mr. Lawson's; was not well acquainted with the defendant; was not acquainted with the Lawson girls.

MRS. LAWSON

was recalled, and testified that since defendant married her he had lived at defendant continuously. This concluded the evidence, and Mr. Rawlins asked the Court to instruct the jury to bring in a verdict of not guilty. Mr. Clark admitted that the prosecution had failed to make out a case, and the Court instructed the jury to find a verdict of not guilty, which they did.

OTHER BUSINESS.

United States vs. Samuel Anderson; unlawful cohabitation; motion for a new trial overruled; sentence set for October 12th at 2 p.m.

United States vs. Thomas Henderson;

unlawful cohabitation; defendant ar-

raigned and a plea of not guilty entered;

sentence set for November 14th at 2 p.m.

United States vs. F. A. Nims et al.;

ten days allowed to file statement.

United States vs. Byron W. King;

unlawful cohabitation; plea of guilty

entered. Sentence was set for October

18th.

Casper E. Anderson and Patrick Mc

Aviny were admitted to citizenship.